

REMARKS

Status of Claims:

Claims 3, 4, 7, 8, 11, and 12 remain cancelled. New claims 13–15 are added. Thus, claims 1, 2, 5, 6, 9, 10, and 13–15 are present for examination.

Claim Rejection:

Claims 1, 2, 5, 6, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Patent No. 5,987,424) (hereinafter Nakamura).

With respect to claims 1, 2, 5, 6, 9, and 10, the rejection is respectfully traversed.

Independent claim 1 recites an advertisement system comprising:

a portable telephone communication terminal capable of communicating with other portable telephone communication terminals utilizing a display on said portable telephone communication terminal, and capable of automatically displaying an advertisement on said display when said display is operating in a standby mode;

a terminal management device for managing said portable telephone communication terminal; and

an advertisement broadcast device for storing advertisement data provided by an advertisement broadcaster,

wherein said terminal management device comprises:

notification means for, when a registration request including first information representing that said portable telephone communication terminal is an automatic advertisement display terminal and second information representing an advertisement broadcaster designated by said portable telephone communication terminal is issued by said portable telephone communication terminal, notifying said advertisement broadcast device of the registration request including the first information in accordance with the second information,

registration means for registering the first information and the second information when said advertisement broadcast device sends

registration acceptance in response to the registration request notification from said notification means, and

display control means for, when advertisement data is received from said advertisement broadcast device which is a registration acceptance notification source, transmitting the received advertisement data to said portable telephone communication terminal on the basis of the registered first information and the registered second information, and

wherein the portable telephone communication terminal is configured to **automatically receive** the advertisement data from the terminal management device and is configured to automatically display the advertisement data on the display of said portable telephone communication terminal when said display is operating in said standby mode.

An advertisement system including the above quoted features has the relevant advantage that after sending its initial registration request, the portable telephone communication terminal (portable telephone) *does not have to take any actions to receive advertising*. Rather, the portable telephone receives advertisement data while in a standby mode (non-use). Thus, the portable telephone can receive advertising without the user having to put the phone in an off-hook state, or without having the user answer any incoming calls to receive advertisement data. It is in *this* sense that the system “automatically” receives advertisement data.

The Examiner points to Nakamura col. 7, lines 23–30, which read:

“Exchange 4 having received this particular number connects subscriber telephone set 1 and advertisement apparatus 5 to each other to establish a communication state (step 101). Then, advertisement information for 30 seconds and time information for 30 seconds are automatically sent out from advertisement apparatus 5 to subscriber telephone set 1. Exchange 4 supervises whether or not 60 seconds pass after the connection is established (step 102). (Emphasis added).”

The Applicant respectfully disagrees with Examiner’s assessment that this paragraph’s use of the word “automatically” has the same functional meaning as “automatic” or “automatically receives” used in claim 1 noted above. Applicant would like to draw attention to the

paragraph preceding the one cited by the Examiner to help better explain the context and functional meaning of the word “automatically” as used by Nakamura. Col. 7, lines 15–22, of Nakamura state:

“First, subscriber telephone set 1 in FIG. 2 is put into an off-hook state from a free state, and then a predetermined particular number determined in order to acquire advertisement information and time information is dialed. The particular number is determined and advertised in advance by a communication undertaker, and a user of subscriber telephone set 1 performs a dial operation in order to receive advertisement information and time information.” (Emphasis added).

According to Nakamura, the subscriber set user must first pick up the phone (“put into an off-hook state” Col. 7, lines 15–16) and dial a phone number every time if it is to receive advertisement information (“a user of subscriber telephone set 1 performs a dial operation in order to receive advertisement information and time information.” Col. 7, lines 20–22). Only once this connection is made, advertisement information followed by time information is then “automatically” sent to the subscriber set. However, the use of the term “automatically” here by Nakamura is superfluous. Of course information (be it advertisements, or desired information like the time or weather) will be sent from one apparatus to another “automatically” once the subscriber set as undertaken considerable actions by dialing numbers and establishing connections. By contrast, use of the words “automatic” and “automatically receive” in claim 1 above refer to the automation involved in received such information *without* having to take any affirmative actions (like dialing numbers in Nakamura’s second embodiment, or answering calls as in step 1307) by the portable telephone and its user. Instead, once the portable telephone has been configured to receive advertisements (the whole purpose of the initial registration request) the portable telephone *can continuously receive advertisements without the user performing any more additional steps*.

Moreover, Applicant respectfully disagrees with the Examiner’s statement that, “In the steps described above in Nakamura, the system automatically displays advertisements on a display while the user is in standby mode (i.e. after 30 seconds had passed).” (Page 4, lines 14–16, of Final Office Action). Nakamura teaches that once a connection has been established between the subscriber telephone set and the advertisement apparatus,

advertisement data is sent for 30 seconds followed by time information for 30 seconds. (Col. 7, lines 26–28). In other words, while the user is still *connected* to the advertisement apparatus, the user listens to advertisement data, then hears the desired time information data. By definition a user can not be in a “standby” mode during this connection. In fact, Nakamura does not make any reference to the term “standby” mode. Rather, the term “standby” is used in the Specification of the present application, “Recent portable telephones can display an image, calendar, or the like on a screen in no-use (so-called standby screen).” (Emphasis added) (Specification; Page 1, lines 10–12). It is here that “standby” mode is first explained to be a state in which the portable telephone is not in use. Thus, the subscriber set user in Nakamura is not automatically receiving information in a standby mode.

The distinctions between the advertisement system with the features noted in claim 1 above, and that described by Nakamura, are better understood in light of the environments these two systems were designed to operate in. Nakamura focuses strictly on land line applications. In all its embodiments the advertisement systems and methods focus on “subscriber telephone sets...set up in ordinary homes and public telephone sets...set up [in] public location[s].” (Nakamura Col. 6, lines 57–58). These types of subscriber telephone sets are fixed location sets that users must first approach to use. Therefore, it makes sense that the advertisement systems Nakamura teach require the user to perform or carry out some action, for example dialing a number, to make use of the service because it would be pointless to display or broadcast advertising when no one is present at the land line subscriber set.

By contrast, portable telephones can be carried around with the user. Thus, there are typically significant spans of time that the user is in possession of the portable telephone but is not engaged in using it to place calls. Thus, advertisement systems can now utilize this “standby” time to send advertisements without any interference by the user, or continued actions taken by the user.

Therefore, independent claim 1 is neither disclosed nor suggested by the Nakamura reference and, hence, is believed to be allowable.

Independent claim 5 recites an advertisement display method with features similar to the system described in independent claim 1 and, thus, is believed to be allowable for at least the same reasons as independent claim 1 is believed to be allowable.

Independent claim 9 recites a medium for storing an advertisement display program with features similar to the system described in independent claim 1 and, thus, is believed to be allowable for at least the same reasons as independent claim 1 is believed to be allowable.

Dependent claims 2, 6, and 10 are deemed allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Dependent claim 13 recites:

“The system according to claim 1, wherein said advertisement data comprises a plurality of advertisements sent at different times without intervening actions from said portable telephone communication terminal.”

This claim further distinguishes itself from the references of record in that it teaches an advertisement system with the features and qualities as claimed in claim 1 with the additional capability to receive multiple advertisements without intervening actions from portable telephone. Therefore, dependent claim 13 is deemed to be allowable for at least the same reasons indicated above with regard to independent claim 1.

Dependent claims 14–15 are also deemed to be allowable for at least the same reasons indicated above with regard to the independent claims from which they depend.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

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